

**Minutes of the Carlisle Board of Health  
January 3, 2008**

Present: Board Members Jeffrey Brem (Chairman), Bill Risso, Chris Deignan; Leslie Cahill, Michael Holland; also present: Linda Fantasia (Agent), Bob Zielinski Carlisle Mosquito

The meeting was called to order at 7:45 p.m. at the town hall.

**CARLISLE SEWAGE DISPOSAL SUPPLEMENTARY REGULATIONS (CSR)** – Brem attended the last Planning Board meeting and gave a brief presentation of the major revisions under consideration: setbacks, flow rates, alternative technology and large systems. The Board is seeking input from other land use departments. Brem said the Planning Board was very interested in how alternative technology works. They are also learning about Low Impact Development which is designed to put water back into the ground. Some projects may require consultation with Board of Health.

**273 CROSS STREET** – Susan Stamps, owner, submitted a letter requesting a reduction in the frequency of required inspections. The system was upgraded prior to the 1995 Title 5 Code. DEP granted a number of variances for the repair conditional upon an annual inspection, pump out and water test. According to the letter there has never been a problem. This was verified by Fantasia. The system includes an alarmed overflow tank which has never been needed. The Board agreed to recommend to DEP that a Title 5 inspection be done every three years rather than annually. The tank must be pumped annually and a water quality test submitted every three years. At the time of the pump out, the hauler should inspect the overflow tank to see whether it has been used. DEP must approve the new scheduled. The Board will prepare a letter for the owner to send to DEP.

**193 DAVIS ROAD** – room count. Plans were submitted to the office showing a finished basement and a home theater. The septic system has a five bedroom capacity. The home theater would count as a thirteenth room and exceed existing capacity. The Board agreed that if the home theater does not have a closing door, it would not count as an additional room. Fantasia will advise the owners to modify their plan. (Cahill arrives).

**26 WESTFORD STREET** – replacement of a failed soil absorption system requiring local and state variances. Present for the discussion was Alan Merry, owner.

The Board reviewed the revised plan dated 12/31/07. The leaching area is now 35.6' from wetlands and 90.0' from the onsite well. The system was changed from a pump to a gravity fed system. Merry is very frustrated about what he sees as a lack of progress from his engineer in submitting the revised plans. He had hoped to get the system replaced by this time. The Board also wants the failed system upgraded as soon as possible and had set a timetable at the last meeting (five copies of the revised plan must be submitted by 2/10/08; work must start by 3/5/08; a certificate of compliance must issue by 4/15/08). In addition to the reduced setbacks the design includes a 2'0 offset from groundwater and 40% reduction in leaching area as allowed by the Presby Modified Remedial Use Approval. State approval of the variances is required due to the less than 50' from wetlands. The Board agreed that other locations had been investigated and the proposed design is the best suited to the site. Merry said the next step will be to get approval from the Conservation Commission.

The Board then made the following findings:

- The existing soil absorption system failed a Title 5 Inspection and has experienced breakout;
- Alternative locations have been explored;
- The revised plan is the best suited for the lot given the limitations of the site;
- It would be manifestly unjust to require full compliance and the proposed design provides equivalent protection;

It was moved (Deignan) and seconded (Holland) to grant a waiver from the Carlisle Supplementary Sewage Disposal Regulations for location of septic tank and leaching area 50.0' and 35.6' from wetlands respectively, 100' required. Motion passed 5.0

It was moved (Deignan) and seconded (Risso) to grant a waiver from the Carlisle Supplementary Sewage Disposal Regulations for location of septic tank and leaching area 75.5' and 90' to the onsite well respectively, 100' required. Motion passed 5.0

It was moved (Deignan) and seconded (Risso) to grant a waiver from the Carlisle Supplementary Sewage Disposal Regulations system not designed for a garbage grinder, deed restriction required. Motion passed 5.0

It was moved (Cahill) and seconded (Risso) to grant a waiver under Local Upgrade Approval for leaching area 35.6' from wetlands, 50' required. Motion passed 5.0

It was moved (Cahill) and seconded (Risso) to grant a waiver under Local Upgrade Approval for leaching area 90' from well, 100' required. Motion passed 5.0

It was moved (Cahill) and seconded (Risso) to approve a 2.0' offset from groundwater, 4.0' required and a 40% reduction in leaching area as allowed with a Presby Enviro-Septic Leaching System. Motion passed 5.0.

**BILLS** – It was moved (Risso) and seconded (Cahill) to approve the bills as presented. Motion passed 5.0.

## **GENERAL BUSINESS**

**LICENSE FEES** – The Board agreed to increase fees for pumpers, installers and haulers from \$100 to \$125. These fees go into the General Fund.

**MADPH SUMMER INTERN** – the Board will propose two projects: continue work on emergency preparedness plans and an environmental health project which would involve locating wells using GPS coordinates as available. The Board was very pleased with how last summer's intern, MaryKate Martelon, worked out.

**FERNS COUNTRY STORE** –in December the Board agreed to invite Plumbing Inspector Ken Rich to a meeting to discuss his decision on requiring a public restroom at Ferns. Rich had agreed to meet with the Board and had informed Fantasia that the store may be successful in obtaining an exemption from the Plumbing Code given the limitations of the site. Since the Board of Health is required to comment on any variance application to the Code the Board agreed it would be helpful to have Rich's input. Fantasia will set up a time at the next meeting 1/15/08.

**CARLISLE SUPPLEMENTARY SEWAGE DISPOSAL REGULATIONS** – The Board had a revised draft which included comments from Brem. Risso would like to limit or eliminate retaining walls. This concern was brought to the Board by Ed Rolfe of the Zoning Board because of System "C" in Coventry Woods. The Board considered whether to set a height limitation only for new construction. Holland noted that most of a wall is below grade and therefore not a problem. Brem said there may be instances where it makes sense to have a wall rather than full breakout grading. The Board discussed how retaining walls in lieu of breakout grading function differently from other supporting walls. The former is intended to capture and contain water whereas the latter does not. Holland said walls greater than 4.0' in height may not work hydraulically.

The Board then discussed distances to wetlands. Brem suggested that in some instances, reducing the setback makes more sense environmentally. New construction would be required to maintain 100' from wetlands but there would be a mechanism to vary this under certain conditions. The burden of proof would be on the applicant who would be required to submit documented testimony such as a proof plan showing that a fully compliant system could be sited on the lot but that an alternate location closer to wetlands was environmentally more beneficial. A decision might also be tabled pending other land use reviews. The Board was in general agreement on this proposal, pending some final editing. Holland would like to encourage use of I/A systems in cases of a reduced setback.

The Board then considered required design flows. The Board does not want two bedroom systems. The minimum requirement will be for 495GPD (three bedrooms and garbage grinder allowance). The Board agreed to eliminate the 5000gpd maximum capacity. Title 5 covers systems 10,000 GPD and greater. If the Board were to keep the cap, there would be no additional requirements for systems between 5000 and 10000GPD.

There was no additional comment on I/A systems since it will be covered in the section on setback distances. Holland questioned why the Board requires 165 GPD for multi-families. This contradicts the Board's table which relaxes the design flows for six or more bedrooms to avoid oversized systems in effect discriminating against multi-families. If the Board requires additional flows for mid-size properties, it might encourage 40B developments which would be exempt. Brem said the flow requirement table is only intended to address large single family residences, not multi-family properties.

Risso said he remains concerned about using a 10mg/L nitrogen standard at the property line even though this is the drinking water standard. There is always going to be some deviation which could put the levels at greater than 10mg/L. He recommends targeting a 5 mg/L MCL to allow for deviation. This would almost certainly guarantee compliance with the drinking water standard. Holland does not think this is necessary. The state requires 5 mg/L in Zone II and if less than 100' to a private well, otherwise 10mg/L should be fine. The Board agreed that the modeling for large systems should predict whether nitrogen exceeds 5 mg/L at the property line. The Board feels justified in requiring this standard since every lot in Carlisle has a private well and a soil absorption system, and therefore the town qualifies as a nitrogen reduction area.

Brem suggested circulating a final draft to the Board prior to publishing for the public hearing. The final draft will be sent to municipal boards and departments for comments.

FY09 BUDGET HEARING – 1/28/08. Risso, Brem and Deignan will attend. Risso said that Board had a significant increase in engineering fees last year and this year proposes a \$25.00 increase for fees that go into the general fund. The Board did not feel it would be justified in doing more.

MRC EXECUTIVE COMMITTEE – organizational meeting to be held 1/28/08. Cahill and Risso will attend.

CONCORD HEALTH DEPT - The Board is still waiting for the new Intermunicipal Agreement. Fantasia will follow up.

ADMINISTRATIVE ASSISTANT – Fantasia will check with the Town Administrator on the ad.

COMMUNITY SEPTIC MANAGEMENT PROGRAM – The Board will review the details at the next meeting. Initially they are interested in pursuing the program which provides low interest loans to homeowners needing to upgrade failed systems. Loans are repaid through betterments.

NON-CRIMINAL DISPOSITION - Brem would like to submit an article at town meeting to allow the Board of Health to issue administrative penalties through the civil court.

ONE-CALL – this is the emergency system used by the school. It may be possible to add a municipal segment. The Board will bring the idea to the Local Emergency Planning Committee.

GENERATOR FOR THE CORY BUILDING – Risso is looking into a used generator. There will be grant money available.

There was no further business. Meeting voted to adjourn at 9:55 pm.

Respectfully submitted,

Linda Fantasia  
Recorder

Carlisle Board of Health Minutes  
Meeting Date: January 3, 2008  
Approved: March 11, 2008